

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 74, “Iowa Health and Wellness Plan,” Iowa Administrative Code.

This amendment adds a new rule to Chapter 74 based on a waiver of 1902(e)(14)(A) of the Social Security Act (42 U.S.C. § 1396a(e)(14)(A)) approved by the Centers for Medicare and Medicaid Services (CMS). This waiver allows Iowa to process eligibility determinations for current IowaCare members based on income verified via food assistance applications, income verified on Medicaid cases associated with the IowaCare member, Iowa Workforce Development (IWD) wage and unemployment insurance benefits, and income data received from the Income and Eligibility Verification System (IEVS) from the federal government.

All individuals who were IowaCare members on October 1, 2013, will be evaluated for eligibility for the Iowa Health and Wellness Plan (IHAWP). The members who meet the eligibility requirements, including family income of no more than 138 percent of the federal poverty level (FPL), will be notified that they will be enrolled in the Iowa Health and Wellness Plan effective January 1, 2014. This will allow an estimated 55,000 members to transition directly from IowaCare to IHAWP. Those members who are not eligible for IHAWP or the Family Medical Assistance Program (FMAP) with children will be informed that they will need to apply for new health assistance.

The Council on Human Services adopted this amendment on November 13, 2013.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because the Legislature authorized emergency rules to implement IHAWP in accordance with 2013 Iowa Acts, Senate File 446, section 185.

Pursuant to Iowa Code section 17A.5(2)“b”(1), the Department further finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective November 13, 2013. The implementation period can be waived because of legislative action and because the amendment will confer a benefit on the public as the amendment allows for a seamless transition of IowaCare recipients to IHAWP without an application.

This amendment is also published herein under Notice of Intended Action as **ARC 1213C** to allow for public comment.

This amendment does not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 249A.4 and 2013 Iowa Acts, Senate File 446, section 185.

This amendment became effective November 13, 2013.

The following amendment is adopted.

Adopt the following new rule 441—74.15(249A,85GA,SF446):

**441—74.15(249A,85GA,SF446) Enrollment for IowaCare members.**

**74.15(1)** Subject to a waiver of the eligibility requirements of 42 U.S.C. § 1396a(e)(14)(A) by the federal Centers for Medicare and Medicaid Services, and notwithstanding any other provision of this chapter, an individual who is enrolled in the IowaCare program under 441—Chapter 92 on October 1, 2013, shall be enrolled without an application in the Iowa Health and Wellness Plan effective January 1, 2014, if department records show:

*a.* That the income of all household members considered in determining the individual’s eligibility for IowaCare (other than child support income) does not exceed 138 percent of the federal poverty level for a household of that size, based on the following sources of income information, in the following order of priority:

(1) Income used to determine eligibility for food assistance for the individual and other IowaCare household members, pursuant to 441—Chapter 92;

(2) Income used to determine eligibility for medical assistance for other IowaCare household members, pursuant to 441—Chapter 75;

(3) Iowa workforce development unemployment insurance benefit data available to the department pursuant to 441—paragraph 9.10(4) “c”;

(4) Iowa workforce development wage data available to the department pursuant to 441—paragraph 9.10(4) “c” ;

(5) Income and eligibility verification system data available to the department pursuant to 441—paragraph 9.10(4) “c”; and

b. That the individual meets all eligibility requirements of the Iowa Health and Wellness Plan, pursuant to this chapter, other than income.

**74.15(2)** Individuals enrolled pursuant to this rule will thereafter be subject to all the provisions of this chapter, with no further application of this rule.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/11/13.